



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**10 CIVIL APPLICATION NO. 14372 OF 2023  
IN FA/1040/2015**

**SAVITA GOVIND JADHAV AND OTHERS  
VERSUS  
THE NEW INDIA ASSURANCE CO.  
LTD. THR ITS BRANCH MANAGER, AURANGABAD AND ANR**

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Advocate for the Applicant: Mr.Bilolikar Upendra Bapurao  
Advocate for Respondent No.1 : Mr.D.P.Deshpande  
Advocate for Respondent No.2 : Mr. B.R.Kedar

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**CORAM : SHAILESH P. BRAHME, J.**

**DATE : 24<sup>th</sup> MARCH 2025**

**PER COURT :**

1. The applicants are seeking permission to withdraw the amount deposited by Respondent/Insurance company in this Court. The Respondent/insurance company deposited an amount of Rs.7,82,520/- on 20.05.2015 in this Court. By order passed on 15.01.2018 which was later on corrected on 22.01.2018, applicants are permitted to withdraw Rs.1,50,000/- *albeit* granting liberty to execute the award as against owner.

2. The applicants are again seeking permission to withdraw the balance amount. Learned counsel for the applicants submits that they require money for education of Applicant Nos. 2 to 4 and their

marriages.

3. Learned counsel Mr.Deshpande for the Insurance Company would submit that applicants are not entitled to claim anything from the insurance company as the insurance was covering for third-party liability only. Already an amount of Rs.1,50,000/- has already been permitted to be withdrawn. The matter was expected to be heard finally. He would submit that instead of permitting the applicants to withdraw the amount, appeal be heard finally.

4. Considering the exigency expressed in the application and the fact that the matter could not be heard finally, I am of the considered view to permit the applicants to withdraw amount of Rs.1,00,000/- on furnishing undertaking.

5. Civil Application is allowed by permitting the applicants to withdraw Rs.1,00,000/-(Rupees One Lacs Only) on condition that applicants shall furnish undertaking.

**[ SHAILESH P. BRAHME, J.]**

vsj..